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Associates, LP

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

AQUALLIANCE; and CENTER FOR  
BIOLOGICAL DIVERSITY,

Plaintiffs,

v.

U.S. FISH AND WILDLIFE SERVICE, et al.,  
  
Defendants.

Case No. 2:21-cv-01527-TLN-DMC

**UNOPPOSED MOTION FOR  
INTERVENTION BY EPICK HOMES,  
INC AND BRUCE ROAD  
ASSOCIATES, LP**

*[Filed concurrently with Stipulation and  
[Proposed] Order Granting Intervention]*

**MOTION**

Plaintiffs in this case, AquAlliance and Center for Biological Diversity, challenge the U.S. Fish and Wildlife Service's issuance of a Biological Opinion and the U.S. Army Corps of Engineers' issuance of a Clean Water Act Section 404 permit for the "Stonegate Project" proposed by Epick Homes, Inc and Bruce Road Associates, LP. Asserting issuance of the Biological Opinion and Section 404 permit to be unlawful, Plaintiffs seek declaratory and injunctive relief invalidating the permits pursuant to the Administrative Procedure Act, 5 U.S.C. § 551 et seq. ("APA"), the Endangered Species Act, 16 U.S.C. § 1531 et seq. ("ESA"), the Clean Water Act, 33 U.S.C. § 1251 et seq., ("CWA"), and the National Environmental Policy Act, 42 U.S.C. § 4321 et seq. ("NEPA").

1 Epick Homes and Bruce Road Associates are eligible to intervene in this case pursuant to  
2 Federal Rule of Civil Procedure 24 because, if granted, the relief sought by Plaintiffs in this  
3 lawsuit would affect their business interests by depriving them of authorizations provided by the  
4 USFWS pursuant to the Biological Opinion and by the Army Corps pursuant to the Section 404  
5 Permit issued for development on the project site. In light of Epick Homes' and Bruce Road  
6 Associates' stipulations filed concurrently with this Motion, Plaintiffs do not oppose intervention  
7 at this stage in the proceedings as it would not unduly delay resolution of this case and is  
8 therefore timely.

9 Federal Defendants have reviewed the stipulations and motion and take no position on the  
10 relief sought.

11 Based on the stipulations, intervenor-applicants Epick Homes and Bruce Road Associates  
12 respectfully request that this Court enter the attached order granting Epick Homes and Bruce  
13 Road Associates permission to intervene in this case.

14 Respectfully submitted this 26th day of January, 2022.

15 Dated: January 26, 2022

COX, CASTLE & NICHOLSON LLP

17 By: /s/ Andrew B. Sabey

18 Andrew B. Sabey  
19 Scott B. Birkey  
20 Robbie C. Hull

21 Attorneys for Epick Homes, Inc. and Bruce  
22 Road Associates, LP  
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